

H. ANDREW CLARK, OSB #881818  
LANE COUNTY OFFICE OF LEGAL COUNSEL  
125 East Eighth Avenue  
Eugene, OR 97401  
Telephone (541) 682-4129  
FAX (541) 682-3803  
andy.clark@co.lane.or.us  
Of Attorneys for Defendants Lane County

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

**TEEN CHALLENGE INTERNATIONAL  
PACIFIC NORTHWEST CENTERS,**

Plaintiff,

vs.

**LANE COUNTY,**

Defendant.

Case No.: 6:13-cv-00567-AA

**DEFENDANT'S MOTION TO DISMISS  
UNDER FEDERAL RULES OF CIVIL  
PROCEDURE 12(b)(6) and 12(b)(1)**

**MOTIONS FOR DISMISSAL**

**1. Defendant's First Motion to Dismiss Plaintiff's Complaint for Failure to State a  
Claim for which Relief May be Granted Pursuant to Fed. R. Civ. Pro. 12(b)(6)**

Defendant, by and through their counsel of record, H. Andrew Clark, Assistant County Counsel, respectfully moves the court for an order dismissing Plaintiff's April 3, 2013, Complaint. Defendants move for the dismissal of Plaintiffs' claims with prejudice in accordance with Federal Rule of Civil Procedure 12(b)(1) because Plaintiffs claims are time-barred.

This Motion is brought pursuant to Federal Rule of Civil Procedure 12(b)(6) and is supported by the attached *Defendant's Memorandum in Support of its Motions to Dismiss Under to Federal Rules 12(b)(6) and 12(b)(1)* filed herein.

**2. Motion to Dismiss Plaintiff's Complaint Under Rule 12(b)(1) for Lack of Subject Matter Jurisdiction because Plaintiff's Claims are Unripe**

Defendant respectfully moves this court for an order dismissing Plaintiff's April 3, 2013, Complaint because Plaintiff's claims are not ripe for review, and therefore, do not confer subject matter jurisdiction on the court.

This Motion is brought pursuant to Federal Rule of Civil Procedure 12(b)(1) and is supported by the attached *Defendant's Memorandum in Support of its Motions to Dismiss Under to Federal Rules 12(b)(6) and 12(b)(1)* filed herein.

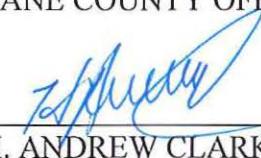
**3. Defendant's Second Motion to Dismiss Under Rule 12(b)(6) because Plaintiff has Failed to State a Claim for which Relief Can be Granted**

Defendant respectfully moves the court for an order dismissing Plaintiff's April 3, 2013, Complaint without leave to re-plead. Defendants move for dismissal in accordance with Federal Rule of Civil Procedure 12(b)(6) because Plaintiffs have failed to state a claim for which relief may be granted.

This Motion is brought pursuant to Federal Rule of Civil Procedure 12(b)(6) and is supported by the attached *Defendant's Memorandum in Support of its Motions to Dismiss Under to Federal Rules 12(b)(6) and 12(b)(1)* filed herein.

DATED this 29<sup>th</sup> day of April, 2013.

LANE COUNTY OFFICE OF LEGAL COUNSEL

  
H. ANDREW CLARK, OSB #881818  
Of Attorneys for Defendants Lane County

**CERTIFICATE OF SERVICE**

I, H. Andrew Clark, hereby certify that I am the attorney for the Defendants herein; that I served the attorney for the Plaintiff, the foregoing **DEFENDANT'S MOTION TO DISMISS UNDER FEDERAL RULES OF CIVIL PROCEDURE 12(b)(6) and 12(b)(1)**, on the 29<sup>th</sup> day of April, 2013, by placing a duly certified copy thereof in a sealed envelope plainly addressed as follows:

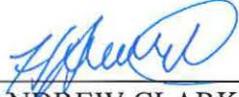
Aaron J. Noteboom  
Arnold Gallagher, PC  
P.O. BOX 1758  
Eugene, OR 97440

XX Postage prepaid and deposited in the United States Post Office at Eugene, Oregon.

XX CM/ECF.

       Delivered personally by me or by a member of my staff.

       Caused to be delivered by facsimile transmission, fax #: \_\_\_\_\_.



---

H. ANDREW CLARK, OSB #881818  
LANE COUNTY OFFICE OF LEGAL COUNSEL  
125 East Eighth Avenue  
Eugene, OR 97401  
Telephone (541) 682-4129  
FAX (541) 682-3803  
andy.clark@co.lane.or.us  
Of Attorneys for Defendants Lane County